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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,314	09/22/2000	Mark Gurney	28341/6280NCP	1321

4743 7590 09/23/2002

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EXAMINER

TURNER, SHARON L

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 09/23/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

### **Non-Responsive Amendment**

1. The reply filed on 6-11-02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have not complied with the Sequence Requirements as set forth in the Office Action of 1-4-02, Paper No. 10. In particular, claims 62 and 69 recite sequences which are required to comply with the sequences rules but which are not referenced by an appropriate SEQ ID NO. In addition, it is noted that SEQ ID NO:2 is a 518 residue sequence. As previously set forth in the restriction requirement the scope of claim 57 "wherein the polynucleotide sequence encodes a hu-Asp1 sequence lacking the transmembrane domain amino acids 469-492" includes embodiments in which the sequence claimed is a joining of two non-contiguous segments and thus would not comply with the sequence rules. The claims can only be searched to the extent that the hu-Asp1 sequences are contiguous to portions of SEQ ID NO:2. The claims to the extent of sequences which retain both an N- and/or C-terminal portion of SEQ ID NO:2 but which lack residues 469-492 can not be searched as the joint created by the joining of the adjacent sequences is unidentified by a referenced SEQ ID NO. As the scope of the claims remains in question, applicant's are put on notice that if the scope of the claim is inclusive of the joined segments, then the claims require creation of a unique sequence identifier to represent the sequence and those residues which are minimally required.

In addition, applicant's election is not fully responsive because the elected material is inconsistent with the claims. Specifically, applicants have elected group VII, yet the claims are not drawn to the elected fragment of SEQ ID NO:2, residues 63-469.

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Either SEQ ID NO:2 or a fragment to which the claims are drawn should alternatively be elected or the claims should be amended to the extent of the elected subject matter. It is noted that although full length SEQ ID NO:2 (residues 1-518) was inadvertently left out of the electable molecular embodiments it is a suitable election. Similarly, if a fragment to which the claims are drawn was inadvertently left out of the restriction requirement and applicant's wish to elect it, they are invited to do so. However, the elected groups should be consistent with the claim terminology. See 37 CFR 1.111.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon L. Turner, Ph.D. whose telephone number is (703) 308-0056. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached at (703) 308-4623.



Sharon L. Turner, Ph.D.

9/10/02